

STATE OF MICHIGAN
IN THE 36TH DISTRICT COURT

BRITE FINANCIAL SERVICES, LLC,

Case No. 17-119492-GC

Hon. Izetta F. Bright

Plaintiff,

vs.

Clio Connect: 9/29/17

BOBBY'S TOWING SERVICE, LLC,

Defendant.

Jason Michael Katz, P.C.
By: Jason M. Katz (P62923)
Robert E. Zielinski (P69250)
Attorney for Plaintiff
30665 Northwestern Hwy., Ste 202
Farmington Hills, MI 48334
P: (248) 702-6310
F: (248) 702-6311
jkatz@katz2law.com

Deldin Law, PLLC
By: Marc A. Deldin (P71041)
Attorney for Defendant
48 S. Main, Suite 3
Mount Clemens, MI 48043
P: (586) 741-8116
F: (586) 690-4130
marc@deldinlaw.com

ANSWER AND AFFIRMATIVE DEFENSES

Defendant, Bobby's Towing Service, LLC files this Answer and states:

1. Neither admit nor deny because Defendant lacks information to form a reasonable belief as to the truth of the matter alleged.
2. Denied because it is not true.
3. Admit.
4. Admit.

EXHIBIT 2

General Allegations

5. Neither admit nor deny because Defendant lacks information to form a reasonable belief as to the truth of the matter alleged.
6. Neither admit nor deny because Defendant lacks information to form a reasonable belief as to the truth of the matter alleged.
7. Neither admit nor deny because Defendant lacks information to form a reasonable belief as to the truth of the matter alleged.
8. Neither admit nor deny because Defendant lacks information to form a reasonable belief as to the truth of the matter alleged.
9. Neither admit nor deny because Defendant lacks information to form a reasonable belief as to the truth of the matter alleged.
10. Neither admit nor deny because Defendant lacks information to form a reasonable belief as to the truth of the matter alleged.

Count One – Statutory Conversion

11. Defendant incorporates by reference its answers to all preceding allegations.
12. Denied because it is untrue.
13. Denied because it is untrue.
14. Denied because it is untrue.
15. Denied because it is untrue.


Count Two – Common Law Conversion

16. Defendant incorporates by reference its answers to all preceding allegations.

17. Neither admit nor deny because Defendant lacks information to form a reasonable belief as to the truth of the matter alleged.
18. Neither admit nor deny because Defendant lacks information to form a reasonable belief as to the truth of the matter alleged.
19. Neither admit nor deny because Defendant lacks information to form a reasonable belief as to the truth of the matter alleged.
20. Neither admit nor deny because Defendant lacks information to form a reasonable belief as to the truth of the matter alleged.
21. Neither admit nor deny because Defendant lacks information to form a reasonable belief as to the truth of the matter alleged.
22. Denied because it is untrue.
23. Denied because it is untrue.

Defendant respectfully requests that this Court dismiss the Complaint, enter a finding of no cause of action, and grant any relief authorized by law including awarding costs and attorney fees.

Respectfully submitted:



/s/ Marc A. Deldin
Marc A. Deldin (P71041)
Attorney for Defendant
48 S. Main, Suite 3
Mount Clemens, MI 48043
(586) 741-8116
marc@deldinlaw.com


September 29, 2017

Affirmative Defenses

Defendant asserts the following affirmative defenses.

1. **Statute of Limitations.** Plaintiff's claim is barred by the Special Antitheft Law's 20-day statute of limitations.
2. **Exclusive Remedy.** Plaintiff's claim fail because the Special Antitheft Laws provide for the exclusive remedy for contesting issues relating to the towing and storage of vehicles deemed abandoned. *See* MCL 257.252a et seq.
3. **Failure to State a Claim.** Plaintiff has failed to state a claim upon which relief can be granted.
4. **Failure to Join an Indispensable Party.** Plaintiff has failed to join an indispensable party.

Respectfully submitted:



/s/ Marc A. Deldin
Marc A. Deldin (P71041)
Attorney for Defendant
48 S. Main, Suite 3
Mount Clemens, MI 48043
(586) 741-8116
marc@deldinlaw.com

September 29, 2017

PROOF OF SERVICE

On September 29, 2017, the undersigned certifies that she caused a copy of the foregoing document to be served via first-class mail, on Jason M. Katz and Robert E. Zielinski, 30665 Northwestern Hwy., Ste 202, Farmington Hills, MI 48334.



Alexzandra O'Donnell

September 29, 2017

EXHIBIT 2